

Minutes of Meeting  
State Soil Conservation Board  
Indiana Government Center, Conference Room 1  
402 W. Washington Street, Indianapolis, Indiana  
9:00 a.m., December 14, 2004

Present:

David L. Avery  
Craig A. Beyrouty  
Paul J. Ehret  
Peter A. Hippensteel  
O. William Mann  
Garry Tom, Sr.  
Ryan K. West

Absent:

Karen L. Dehne

Others present:

Ronald J. Boehm  
Randy J. Braun  
Sherman Bryant  
Dorothy A. Corns  
Crissy Goode  
Jane E. Hardisty  
Doug Hovermale  
James E. Lake  
Harry S. Nikides

James K. Ray  
Cecil F. Rich  
Dave Russell  
Kent D. Tracey  
W. Gene Weaver  
Gwen M. White  
Julia B. Wickard

Chairman Peter Hippensteel called the meeting to order at 9:07 a.m.

Minutes

Paul Ehret moved to approve the minutes of August 10, September 21, and November 9, 2004, as drafted. The motion was seconded by Bill Mann and carried.

Supervisor Resignations/Appointments

Chairman Hippensteel called for action on the supervisor resignations and appointments presented at the State Soil Conservation Board's November 9, 2004, meeting. (They included: resignation of Mike Thompson (A-06, Clinton) and recommendation for appointment of Jerry Batts to complete the unexpired term; resignation of Cary B. Pickens (E-05, Dearborn) and recommendation for temporary appointment of Ted Fowler until the district's next annual meeting; resignation of Kathy D. Dale (E-05, Tippecanoe) and recommendation for temporary appointment of Charles E. Shelby until the district's next annual meeting; and resignation of Karen D. Benson (E-06, Tippecanoe) and recommendation for temporary appointment of Stephen L. Roy until the district's next annual meeting.)

Bill Mann moved to accept the resignations and recommendations for appointment and temporary appointment as presented at the November 9, 2004, meeting. The motion was seconded by Paul Ehret and carried.

Assistant director for SWCD support Jim Lake presented the recommendation for temporary appointment of Thomas Henry until the next annual meeting in Fayette; the elected position has been vacant since the district's last annual meeting due to ineligibility to conduct an election. Lake also presented resignations of Harold A. Smith (A-07, Jasper) and George Phillip Hoy (A-05, Vanderburgh). Both resignations are due to dual office holding conflicts. Dave Rodibaugh and Les Nunn, respectively, are recommended to complete the unexpired terms.

David Avery moved to accept the resignations in Jasper and Tippecanoe and to approve the recommendations for temporary appointment in Fayette and the appointments in Jasper and Vanderburgh as presented. The motion was seconded by Garry Tom and carried.

#### SWCD Recommendations for Supervisor Appointments and Reappointments for Three-Year Terms Commencing at District Annual Meetings

Before calling for action on the recommendations presented at the November 9 State Board meeting, Chairman Hippensteel read a letter sent by Travis Nolcox resigning his appointment to the State Soil Conservation Board, effective December 1, 2004. Nolcox, currently serving as supervisor in Gibson SWCD, stated that he wished to remain in compliance with Indiana statutes concerning dual office holding and to retain the local supervisor position. Addressing Garry Tom and noting that Tom's reappointment as supervisor in Kosciusko SWCD would automatically void his State Board appointment, Chairman Hippensteel asked Tom's intention concerning his dual office holding conflict. Tom stated that he was aware of the conflict but that the position of SWCD supervisor had not yet been presented to the Attorney General's office for challenge, and he wished for his name to remain on the list of supervisors recommended for reappointment commencing at the districts' annual meetings.

Lengthy discussion ensued concerning the issue and implications. Since only recently becoming aware of dual office holding restrictions, it was suggested that additional information should be obtained to clarify the matter as it affects the State Soil Conservation Board and SWCD members. The possibility of introducing legislation for exemption was discussed, although this is a slow process for resolving an urgent issue, and exemption of specific entities could be viewed as inappropriate by numerous other state entities that must abide by the existing law.

Chairman Hippensteel reiterated that the current situation presents a dilemma for the State Board, if the State Board members would knowingly vote on the question of approving supervisor appointments, thus potentially placing individuals in dual office conflicts, while aware that state law prohibits simultaneously holding two public service offices.

Garry Tom moved to approve the list of nominees for supervisor appointment and reappointment for three-year terms commencing at the districts' annual meetings, as presented at the November 9, 2004, State Board meeting. The motion was seconded by Bill Mann and carried, with one opposing vote. (See Attachment A to these minutes, listing nominees for supervisor appointment and reappointment.)

Craig Beyrouty moved that the State Soil Conservation Board seek the Attorney General's opinion on dual office holding as it pertains to membership on the State Soil Conservation Board and the consequences to past actions voted upon by members while holding dual office. The motion was seconded by Paul Ehret and carried.

Craig Beyrouty moved that the State Soil Conservation Board seek the Attorney General's opinion on dual office holding as it pertains to membership on soil and water conservation district boards and the consequences to past actions voted upon by members while holding dual office. The motion was seconded by Paul Ehret and carried.

Karen Dehne's status as a State Soil Conservation Board member was questioned. Dehne verbally resigned from the State Board at the last meeting she attended; however, following that, then-Governor O'Bannon reappointed her to a term through July 2007. Numerous attempts to contact her have been unsuccessful. A certified letter will be sent requesting her to submit a written resignation.

#### Clean Water Indiana

Jim Lake reported that copies of the Clean Water Indiana accomplishment report have been forwarded to all Division staff and partner agencies and organizations. The report will soon be forwarded to the Legislative Services Agency, as required by law, and copies will also be furnished at the annual SWCD conference in January. Based on additional information from SWCDs, approximately \$44,000 in unused CWI funds will be returned for deposit as CREP matching funds.

#### Soil and Water Quality Programs

##### Education and SWCD Support:

Jim Lake distributed copies of a state map divided into quadrants to indicate counties served by each of the four conservation program specialists and copies of the current listing of dates for district annual meetings. State Board members should advise staff if they plan to attend any of the district meetings so that election materials can be forwarded to them.

##### Lake and River Enhancement:

Jim Ray, assistant director for Lakes, Rivers and Watersheds, noted that copies of LARE project information from the September 21 and November 9 State Board meetings were forwarded to members who were absent. Ray asked whether additional information was needed before taking action on the projects. (See Attachment B to these minutes.)

David Avery moved to accept staff recommendations for consultant selections as presented at the September 21, 2004, and November 9, 2004, State Soil

Conservation Board meetings. The motion was seconded by Bill Mann and carried.

Paul Ehret moved to accept staff recommendations for project completions and to approve final payments to the project sponsors as presented at the September 21, 2004, and November 9, 2004, State Soil Conservation Board meetings. The motion was seconded by Craig Beyrouty and carried.

Agriculture conservation specialist Ron Boehm presented revisions for practice eligibility for fencing. Boehm responded to questions concerning temporary vs. permanent fencing, noting that cost-share would be payable only on permanent fencing and discussing other points of practice management.

Craig Beyrouty moved to approve the eligibility revisions to the LARE fencing practice, as presented. The motion was seconded by Paul Ehret and carried.

Boehm presented revisions for practice eligibility for livestock water facilities. The revisions provided for non-traditional practices, such as solar, wind, and nose pumps where current livestock watering methods impact environmentally sensitive areas.

Bill Mann moved to approve the eligibility revisions to the LARE livestock watering facility practices, as presented. The motion was seconded by Garry Tom and carried.

Aquatic biologist Cecil Rich presented the consultant selection for the Chapman Lake watershed management study (Kosciusko). The study includes evaluation of the 4,500-acre watershed and a ten-year public and resident lake education program. The Chapman Lakes Foundation, Inc. selected D.J. Case & Associates to carry out the \$42,000 study, after reviewing three consultants' proposals. LARE will contribute up to \$35,000 toward the study. Staff recommends acceptance of the consultant selection.

David Avery moved to accept staff recommendation for the Chapman Lakes Foundation consultant selection for a watershed management study. The motion was seconded by Garry Tom and carried.

Rich presented the consultant selection for the Lake James Chain diagnostic study (Steuben). Sponsors include the Lake James Association, Snow Lake Cottager's Association, and North Otter Lake Association. The watershed encompasses 21,721 acres. Aquatic Enhancement & Survey was selected from the three proposals submitted. Total project budget is \$68,431 with the local sponsors contributing ten percent of the cost. Staff recommends acceptance of the consultant selection.

Craig Beyrouty moved to accept staff recommendation for the Lake James Chain consultant selection for the diagnostic study. The motion was seconded by Paul Ehret and carried.

Agricultural conservation specialist Kent Tracey presented the consultant selection for the Crooked Lake/Carpenter Drain streambank stabilization design and build project (Steuben). The Crooked Lake Association, Inc. selected J.F. New & Associates from the four proposals submitted to perform the work. Total project budget is \$26,990, with LARE contributing up to \$20,800 of the cost. Staff recommends acceptance of the consultant selection.

Bill Mann moved to accept staff recommendation for the Crooked Lake/Carpenter Drain consultant selection for the design and build project. The motion was seconded by Craig Beyrouty and carried.

Tracey presented the project completion report for the Fred Rose and Jerry Pavese Park shoreline stabilization design on Lake George in Hobart (Lake). Tracey explained that the project was carried out in two phases, with shoreline stabilization comprising Phase I. Tracey distributed copies of a color brochure showing before-and-after pictures of the project, which utilized fiber logs, rock, back fill, and native plantings to protect 6,255 feet of eroding shoreline. Total project cost was \$44,410, with LARE contributing \$39,969. Staff recommends acceptance of the completion report and final payment of \$5,995.35 to the project sponsor, City of Hobart.

Paul Ehret moved to accept staff recommendation for the design project completion and to approve final payment to the City of Hobart. The motion was seconded by David Avery and carried.

Tracey presented the project completion report for the Chapman Lakes/Arrowhead Drain design and build project (Kosciusko). The drain's eroding banks and bed were stabilized using eight grade control structures and 900 lineal feet of modified soil encapsulated lifts, which will be planted with native species. Total project cost was \$67,670, with LARE contributing \$50,752.50. Staff recommends acceptance of the completion report and final payment of \$7,612.87 to the project sponsor, Chapman Lakes Foundation.

Garry Tom moved to accept staff recommendation for the design/build project completion and to approve final payment of \$7,612.87 to the Chapman Lakes Foundation. The motion was seconded by Craig Beyrouty and carried.

Cecil Rich presented the project completion report for bathymetric mapping and an aquatic vegetation management plan at Lake Webster (Kosciusko). The projects carried out recommendations made in a lake diagnostic study completed in 2001. Rich summarized results and uses of the mapping study which employed high-tech hydroacoustic sonar equipment linked to a differentially-corrected geographic positioning system to generate highly accurate calculation of lake contours. Total project cost was \$30,000, with LARE contributing \$27,000. Staff recommends acceptance of the completion report and final payment of \$4,000 to the Webster Lake Conservation Association. In response to questions, Rich stated that the study represented a good pilot project utilizing state-of-the-art techniques to produce high quality, in-depth data; however, the traditional sampling techniques continue to provide adequate information at lower cost for this type of study. The value of hydroacoustic systems increases as the need for precise mapping increases.

Garry Tom moved to accept staff recommendation for the mapping and aquatic vegetation management plan completion and to approve final payment of \$4,000 to the Webster Lake Conservation Association. The motion was seconded by Bill Mann and carried.

Rich presented the project completion report for a watershed diagnostic study of the Ridinger, Robinson, and Troy Cedar Lakes (Kosciusko). Comprised of 22,100 acres in the Barbee Lakes subbasin within the headwaters of the upper Tippecanoe River, the watershed has experienced declining water quality from erosion and nutrient loading. Recommendations to improve water quality include: riparian and wetland restoration, streambank stabilization, and land use BMPs. Total project cost was \$39,950, with LARE contributing \$35,955. Staff recommends acceptance of the Ridinger, Robinson, and Troy Cedar Lakes watershed diagnostic study and final payment of \$5,393.25 to the project sponsor, the Barbee Lakes Property Owners Association.

David Avery moved to accept staff recommendation for completion of the Ridinger, Robinson, and Troy Cedar Lakes watershed diagnostic study and to approve final payment of \$5,393.25 to the Barbee Lakes Property Owners Association. The motion was seconded by Garry Tom and carried.

Rich reported that final reports on the 38 lakes approved for aquatic vegetation management plans should be available during January. A number of consultants developing the plans have contacted staff to discuss the reports, with DNR Fish & Wildlife providing assistance as needed. The report will be presented at the February State Board meeting.

#### Stormwater & Sediment Control:

Stormwater and sediment control chief Randy Braun reported that staff participated in a stormwater forum on December 10, along with representatives from various disciplines at Purdue University, IDEM, local governments, and others. The purpose of the meeting was to exchange information, coordinate programs, and to establish a standing state stormwater committee. Highlights of other recent stormwater meetings included permitting for the proposed I-69 project and planning for MS4 training. In response to a question, Braun stated that he believed there was a 40-60% increase in staff workload since the Rule 5 land-disturbance maximum was reduced to include one-acre projects.

#### District Issues/Updates:

In response to a question concerning resolution of the Porter SWCD lawsuit, it was reported that no new information has been forwarded to Division staff. The district's supervisor appointment was in accordance with the agreement set forth on March 9, 2004.

#### Chairman's Report

Pete Hippensteel noted that the Board would begin making decisions on sediment removal and weed control during the coming spring. Hippensteel also reported that shoreline issues have been the focus at recent meetings of the Lake Management Work Group.

### Division of Soil Conservation Director's Report

Harry Nikides distributed copies of recent updates to Division staff concerning new hires and resulting changes to the organizational chart. Nikides introduced Crissy Goode, who has filled the vacant leadership development coordinator position in the Indianapolis office. Nikides noted that an issue of concern is long-term office space for Division field staff; Nikides has been working with FSA and NRCS leadership to develop an equitable solution. The staffing changes and new field hires will enable Division resource specialists to cover only two counties, rather than the current two or three counties that have been the norm. Nikides distributed copies of a state map showing resource specialist county assignments and proposed locations for the new hires.

Nikides reported that he participated in meetings between DNR management staff and Governor-Elect Daniels' transition team members. Each division was required to discuss its respective mission; to address major issues, challenges, and opportunities; and to identify its impact on Indiana's economy.

### IDEM Report

Agriculture liaison Dave Russell called attention to the December 31, 2004, deadline for identifying confined animal feeding operations (CAFO) to meet regulation requirements of the National Pollutant Discharge Elimination System (NPDES). The deadline is also approaching for submitting proposals for manure application on frozen ground. The CAFO annual reports will be due at IDEM by February 15, 2005.

### State Association President's Report

Sherman Bryant reported on recent IASWCD activities, including status of the CREP agreement, presentation of a Clean Water Indiana funding proposal, annual conference preparations, and NACD initiatives regarding the 2005 Federal Farm Bill. Bryant noted upcoming meeting dates: Executive Committee on January 9, 2005; annual conference January 9-12, 2005, at the Indianapolis Marriott; and NACD Annual Conference, February 5-9, 2005, at Atlanta, Georgia.

### NRCS State Conservationist's Report

Jane Hardisty distributed copies and discussed summaries of allocations and accomplishments of the 2004 Farm Bill conservation programs. Hardisty called attention to accomplishments of the Conservation Security Program in Indiana and the watersheds selected for 2005 treatment programs. Nationwide, 202 watersheds have been selected for CSP, including three in Indiana for the 2005 program.

Hardisty distributed copies of an Indiana map identifying counties with soil surveys that are now digitized on CDs and other counties scheduled for the CD formatting.

With recent USDA reorganization, Indiana is now in the East Region for NRCS scientific and technological support. The regional support center is located at Greensboro, North Carolina.

#### Farm Services Agency Report

Program specialist Doug Hovermale discussed changes in FSA's responsibilities that will affect partner agencies DNR and NRCS. Changes in responsibilities came about as a result of Conservation Reserve Program requirements that moved review of non-engineered practices from NRCS to FSA. About the same time, office space needs and workloads for NRCS were changing, also impacting Division of Soil Conservation assistance provided at field locations. The agencies are working together to resolve the resulting issues affecting staffing and training, while continuing to build and enhance partnership opportunities.

Hovermale also discussed status of the CREP agreement and building upon partnership opportunities with wildlife habitat organizations and the Indiana Department of Transportation.

Jane Hardisty and Harry Nikides added remarks supporting partnership cooperation while addressing challenges brought about through changing technologies and business operations.

#### Public Comment

None presented.

#### Next Meeting

The next State Soil Conservation Board meeting will be held at 9:00 a.m., Tuesday, January 11, 2005, at Indianapolis in the Government Center.

The meeting adjourned at 12:12 p.m.

Minutes recorded by Dorothy Corns

Approved January 11, 2005:

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## ATTACHMENT A

SWCD Recommendations for Supervisor Appointments for Three-Year Terms Commencing at District Annual Meetings, as presented to State Soil Conservation Board on November 9, 2004:

<u>District</u>	<u>New Appointments</u>	<u>Replacing</u>
Clinton	Charles K. Calvert	Tom Boyer
Crawford	Billy Joe Walker	Samuel R. Taylor
Hancock	Tom Nigh	Tom Roney
Harrison	William Watts	Ralph Sherman
Henry	Randy K. Jones	Mark Carpenter
Knox	Tony Halton	Charles Bobe
Lawrence	Mike Spreen	Robert E. Mundy
Marshall	Wayne N. Houin	Matt Zahm
Porter	James N. Lambert	John H. Wyckoff
Shelby	Suzanne Lewis	Eric Williams
Switzerland	Virgil McKay	Roger Christman
Tippecanoe	Roger B. McClellan	Thomas C. Willeford
Vanderburgh	Les Nunn	George Phillip Hoy
Whitley	Jane Frazier	Dayne Wilkinson

Recommendations for Supervisor Re-Appointments for Three-Year Terms, Commencing at the Districts' Annual Meetings, as presented to State Soil Conservation Board on November 9, 2004:

<u>District</u>	<u>Reappointment</u>	<u>District</u>	<u>Reappointment</u>
Blackford	Don Hardesty	Monroe	Keith McConnell
Boone	Kathy Clawson	Morgan	Lou Feagans
Cass	Jim Miller	Ohio	W. Gene Weaver
Clark	Amil Kleinert	Owen	Steve Worland
Daviess	Scott J. Nally	Perry	Randall L. Rennie
Dearborn	Marshall Alford, Jr.	Pike	Boyd Woolsey
Decatur	Jerry Kitchin	Posey	Jim Droege
Delaware	Wayne Bothel	Pulaski	Richard Nielsen
Elkhart	James Hess	Putnam	Melvin E. Nicholson
Fountain	Kyle Brown	Ripley	William Borgman
Grant	Myron Brankle	Steuben	Thomas J. Green
Hendricks	Jim Loughmiller	Union	Tom Caldwell
Huntington	Dan Davenriner	Vermillion	Jame Krieger
Jay	Scott Hilfiker	Warrick	Chris Tuley
Jefferson	Robert Kuppler	Wayne	Duane Cates
Kosciusko	Garry Tom	White	Barbara Allen
LaGrange	R. D. Wolhete		
Marion	Marvin Brethauer		
Madison	Robert Ellis		
Miami	David Payne		

## ATTACHMENT B

LARE Consultant Selections, as presented at the September 21, 2004, and November 9, 2004, State Soil Conservation Board meetings:

- Big Turkey Lake Construction (Steuben); selected Dredging Technologies, LaOtto Excavating, and J.F. New & Associates; maximum LARE funding \$47,750
- Lake Gage and Lime Lake Engineering Feasibility Study (Steuben); selected Gensic Engineering, Inc.; maximum LARE funding \$33,350
- Pettit Mill Pond Construction (LaGrange); selected Dredging Technologies, EFM Excavating, Inc., and J.F. New & Associates; maximum LARE funding \$55,800
- Chapman Lake Engineering Feasibility Study (Kosciusko); selected J.F. New & Associates; maximum LARE funding \$27,000
- Webster Lake Design/Construction (Kosciusko); selected J.F. New & Associates; maximum LARE funding \$21,100
- Riddles and Pleasant Lakes Diagnostic Study (St. Joseph); selected J.F. New & Associates; maximum LARE funding \$31,500
- Blue Lake Diagnostic Study (Whitley); selected J.F. New & Associates; maximum LARE funding \$31,500
- Wall Lake Diagnostic Study (LaGrange); selected Aquatic Enhancement & Survey; maximum LARE funding \$8,100
- Center Lake Engineering Feasibility Study (Kosciusko); selected V3 Consultants; maximum LARE funding \$31,500

LARE Project Completions and Requests for Final Payments, as presented at the September 21, 2004, and November 9, 2004, State Soil Conservation Board meetings:

- Cedar Lake Engineering Feasibility Study (Lake); \$36,000 LARE funding, balance due \$5,400
- Griffith's Island/Lake Wawasee Design and Construction (Kosciusko); \$14,011.50 LARE funding, balance due \$2,101.72
- Crooked Lake Design and Feasibility Study (Whitley); \$11,231.25 LARE funding, balance due \$1,684.69